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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,219	12/19/2005	Conrad Thomas	8369.017.USD000	4060
77176	7590	07/09/2009		
Novak, Druce & Quigg LLP 1300 I Street, N.W. Suite 1000, West Tower WASHINGTON, DC 20005			EXAMINER AMORES, KAREN J	
			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			07/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,219

Applicant(s)

THOMAS ET AL.

Examiner

KAREN JANE J. AMORES

Art Unit

3616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 and 32-47 is/are pending in the application.
- 4a) Of the above claim(s) 16-29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-47 is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☒ Claim(s) 40-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Acknowledgements

1. Acknowledgment is made of Applicants' amendment to the claims filed on 28 April 2009.

Election/Restrictions

2. This application contains claims 16 – 29 drawn to an invention nonelected with traverse in the reply filed on 27 November 2009. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 32, 33, 38, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Saotome et al. U.S. 4,858,899 ("Saotome"). Saotome discloses a system (2) for damping vibratory forces applied to a vehicle (column 5, line 54), comprising:

5. at least one mount including a first rigid member (A) connectable to the body of a vehicle (column 10, line 25), a second rigid body (B) connectable to a wheel suspension system of said vehicle (column 5, line 59) and a body (3) of elastomeric material interconnecting said rigid members having a pair (4) of chambers provided with a damping liquid (column 4, line 25), a first restricted orifice (5h) intercommunicating said chambers and a distinct second, restricted orifice (5e) intercommunicating said chambers provided with a valve (6),

6. means for detecting vibratory forces (10) applied to said vehicle; and
7. processing means responsive to detected vibratory forces operatively connected to said valve for controlling the passage of said damping liquid through said second orifice and correspondingly vary the damping effect of said mount (fig 18).
8. In reference to claim 33, 38, and 39, Saotome further discloses the first orifice is arcuate and said second orifice is linear, wherein said chambers of said elastomeric body are disposed on opposite sides of a centerline of said elastomeric body (fig. 10A); wherein said chambers of said elastomeric body are spaced along a centerline of said elastomeric body (fig. 10B).

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. Claims 34 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saotome in view of Sugasawa, U.S. 4,749,210 (“Sugasawa”). Saotome does not directly disclose the detecting means is functional to detect vibratory forces applied to a front axle of the vehicle. Sugasawa teaches a detecting means (202) functional to detect vibratory forces applied to a front axle of the vehicle (column 2, line 21; line 34; column 8, line 52). Sugasawa further teaches processing means to selectively actuate the valve of at least one mount interconnecting a rear suspension system and a body of the vehicle; and wherein the mount is functional to be conditioned in combinations of low and high stiffness and low and high damping. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Saotome such that it comprised the detecting means detecting vibratory forces applied to

the front axle in view of the teachings of Sugawara so as to monitor the relative displacement between the vehicle body and the wheel axle (column 8, line 59), to react the rear suspension properly in relation to the front axle, and to control the suspension parameters (column 11, line 62).

11. Sugawara further teaches at least two mounts. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Saotome such that it comprised two mounts in view of the teachings of Sugawara so as to mount multiple suspensions, one for each wheel (fig. 2).

Allowable Subject Matter

12. Claims 45 – 47 are allowed.

13. Claims 40 – 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicants' arguments filed 28 April 2009 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the chambers formed in and fully encapsulating a pair of chambers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Saotome discloses the mount including a body of elastomeric material (3) interconnecting the rigid members and having a pair of chambers (4) provided with a damping liquid. Secondly, Applicants argue that Saotome does not constitute two separate orifices intercommunicating chambers 4. Saotome discloses two separate orifices (5d for restricted orifices 5e, and 5g for restricted orifice 5h) intercommunicating chambers 4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is

(571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAREN J AMORES
Examiner
Art Unit 3616

/K. J. A./
Examiner, Art Unit 3616

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616